

CONFIDENTIAL



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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FEDERAL ELECTION COMMISSION

2019 APR -2 PM 1:25

SENSITIVE

April 2, 2019

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP by MAH*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Ben Holly *BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2018 Year-End Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2018 Year-End Report in accordance with 52 U.S.C. § 30104(a). The Year-End Report was due on January 31, 2019.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

In order to determine the level of activity for unauthorized quarterly filers that filed a Year-End Report and were required to but failed to file the 30 Day Post-General Report, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every Year-End Report (YE) submitted by an unauthorized quarterly filer that covered the period from October 1, 2018 through December 31, 2018 (92 days) was reviewed for activity which would have required the filing of a 30 Day Post-General Report (30G). If our research indicated that a 30G was required, we utilized a three-step method to arrive at the activity on which to base the YE fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a YE that covered the period from November 27, 2018 through December 31, 2018 (35 days). Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 38.04% (35 days (correct YE Filing Period)/92 days (submitted YE Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the YE.

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

4/2/2019 11:28 AM

Federal Election Commission
Reason to Believe Circulation Report
2018 YEAR-END Not Election Sensitive 01/31/2019 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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3684	C00324780	AMERICAN ACADEMY OF EMERGENCY MEDICINE POLITICAL ACTION COMMITTEE AAEM PAC		WILLIAM T. DURKIN, JR.	\$120,048	0	2/8/2019	6	\$10,921	\$182
3685	C00658757	AMERICANS SUPPORTING VETERANS PAC		MARK SLY	\$695,785	0	3/29/2019	57 (Not Filed*)	\$119,609	\$6,541
3687	C00216184	ANESTHESIA SERVICE MEDICAL GROUP ADVOCACY FUND		C. APRIL BOLING	\$117,891	0	2/11/2019	11	\$3,423	\$101

3677	C00518922	COMMITTEE TO ELECT RON VARASTEH	RON VARASTEH	MASHA MACURDA	\$504,325	0		Not Filed	\$56,036 (est)	\$3,925
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2018)
Year-End Report for the Administrative)
Fine Program:)

AMERICAN ACADEMY OF) AF# 3664
EMERGENCY MEDICINE POLITICAL)
ACTION COMMITTEE AAEM PAC, and)
DR. WILLIAM T DURKIN, JR as)
treasurer;)
AMERICANS SUPPORTING VETERANS) AF# 3665
PAC, and SLY, MARK as treasurer;)

ANESTHESIA SERVICE MEDICAL) AF# 3667
GROUP ADVOCACY FUND, and C)
APRIL BOLING as treasurer;)

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COMMITTEE TO ELECT RON) AF# 3677
VARASTEH, and MACURDA, MASHA as)
treasurer;)

FRIENDS OF DAVID WERTIME, and) AF# 3687
WERTIME, RICHARD as treasurer;)

GEORGE FRANKLIN FOR CONGRESS,) AF# 3690
and RICKETTS, HEATHER as treasurer;)

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SAM DEEN FOR CONGRESS, and
PRUITT, TERI LYNN as treasurer;

) AF# 3707
)

TRANSSYSTEMS CORPORATION PAC,) AF# 3718
and PAUL J MALIR as treasurer;)

CERTIFICATION

I, Laura E. Sinram, Deputy Secretary of the Federal Election Commission, do hereby certify that on April 05, 2019 the Commission took the following actions on the Reason To Believe Recommendation - 2018 Year-End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated April 02, 2019, on the following committees:

AF#3664 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICAN ACADEMY OF EMERGENCY MEDICINE POLITICAL ACTION COMMITTEE AAEM PAC, and DR. WILLIAM T DURKIN, JR in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3665 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICANS SUPPORTING VETERANS PAC, and SLY, MARK in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3667 Decided by a vote of 4-0 to: (1) find reason to believe that ANESTHESIA SERVICE MEDICAL GROUP ADVOCACY FUND, and C APRIL BOLING in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3677 Decided by a vote of 4-0 to: (1) find reason to believe that COMMITTEE TO ELECT RON VARASTEY, and MACURDA, MASHA in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate

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AF#3687 Decided by a vote of 4-0 to: (1) find reason to believe that FRIENDS OF DAVID WERTIME, and WERTIME, RICHARD in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3690 Decided by a vote of 4-0 to: (1) find reason to believe that GEORGE FRANKLIN FOR CONGRESS, and RICKETTS, HEATHER in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#3707 Decided by a vote of 4-0 to: (1) find reason to believe that SAM DEEN FOR CONGRESS, and PRUITT, TERI LYNN in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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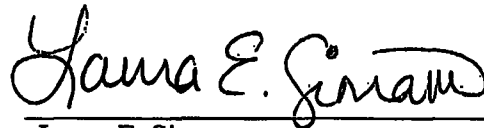
FOR OFFICIAL USE ONLY

AF#3718 Decided by a vote of 4-0 to: (1) find reason to believe that TRANSYSTEMS CORPORATION PAC, and PAUL J MALIR in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

4/5/19

Date



Laura E. Sinram

Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 8, 2019

Richard Wertime, in official capacity as Treasurer
Friends of David Wertime
PO Box 461
Haverford, PA 19041

C00670992
AF#: 3687

Dear Mr. Wertime:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period October 1, 2018 through December 31, 2018, shall be filed no later than January 31, 2019. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on February 25, 2019, 25 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On April 5, 2019, the FEC found that there is reason to believe ("RTB") that Friends of David Wertime and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before January 31, 2019. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$185. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <https://www.fec.gov/af/pay.shtml> 11 CFR § 111.34. Your payment of \$185 is due within forty (40) days of the finding, or by May 15, 2019, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$2,488
Number of Days Late: 25
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 1050 First

Street, NE, Washington, DC 20002. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or May 15, 2019. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Friends of David Wertheim and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <https://www.fec.gov/af/pay.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,

Ellen L. Weintraub

Ellen L. Weintraub
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$185 for the 2018 Year-End Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Friends of David Wertime

FEC ID#: C00670992

AF#: 3687

PAYMENT DUE DATE: May 15, 2019

PAYMENT AMOUNT DUE: \$185

Office of Administrative Review
1050 First Street, NE
Washington, DC 20002

May 13, 2019

Re: Friends of David Wertime PO Box 461 Haverford, PA 19041
ID#: C00670992
AF#: 3687

To Whom It May Concern:

This letter concerns notice of a recent administrative fine levied by the FEC on Friends of David Wertime (committee ID: C00670992), hereafter, "The Committee."

Pursuant to 111 CFR Section 111.35(b), The Committee does not believe this fine should apply due to an extraordinary and unforeseen circumstance beyond the control of respondent, and wishes to contest the fine levied on April 8 for the amount of \$185.

The Committee currently uses FEC-provided software, FECFile, to remain compliant with FEC rules and regulations. However, The Committee encountered problems making a filing in the third quarter of 2018 due to a confusing user interface, which led to an improper number listed for Cash-On-Hand. When The Committee raised this issue with the FEC, an FEC agent said that defect could be cured in a subsequent filing and told a representative of The Committee to contact the FEC again around the time the next campaign filing was due, upon which time guidance would be given for the proper use of FECFile.

However, unexpectedly, the filing deadline for the end-of-year report was coterminous with the United States Federal Government shutdown, which also led to a shutdown of the FEC as well and clearly constituted an extraordinary and unforeseen circumstance.

In the absence of guidance from the FEC, The Committee enlisted the services of compliance officer Tom Buneo, the undersigned, to prepare and submit a filing for the end-of-year report, one which cured the errors in the previous quarter's report.

The Committee wishes to contest the FEC's fine because a) the government shutdown was an extraordinary and unforeseen circumstance which materially and adversely affected The Committee's ability to remain timely compliant with FEC filing deadlines; b) The Committee acted in good faith to file timely, c) The Committee attempted to obey the instructions of an FEC agent who said to seek telephonic instructions, and d) The Committee took curative action after missing the deadline due to the unforeseen circumstance.

The Committee makes every attempt to be compliant with FEC rules and has no history of late filings. We ask you to reconsider this fine in light of highly unusual surrounding circumstances.

To ensure a rapid response, please send a digital copy of ^{all} ~~this~~ correspondence to

Very Truly Yours,



Thomas Buneo, Compliance Officer



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 2019

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 3687 – Friends of David Wertime and Richard Wertime, in his official capacity as Treasurer (C00670992)

Summary of Recommendation

Terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

Reason-to-Believe Background

The 2018 Year-End Report was due on January 31, 2019. The respondents filed the report on February 25, 2019, 25 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On April 5, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Year-End Report and made a preliminary determination that the civil money penalty was \$185 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on April 8, 2019 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents' Challenge

On May 15, 2019, the Commission received the written response ("challenge") from the Committee's Compliance Officer. The challenge explains that the Committee previously encountered a problem with the cash-on-hand on its 2018 October Quarterly Report. The respondents state they called the Commission for support and were advised to call back for guidance when preparing the Committee's next filing. The respondents further explain:

However, unexpectedly, the filing deadline for the end-of-year report was coterminous with the United States Federal Government shutdown, which also led to a shutdown of the FEC as well and clearly constituted an extraordinary and unforeseen circumstance.

In the absence of guidance from the FEC, The Committee enlisted the services of compliance officer Tom Buneo, the undersigned, to prepare and submit a filing for the end-of-year report, one which cured the errors in the previous quarter's report.

The Committee wishes to contest the FEC's fine because a) the government shutdown was an extraordinary and unforeseen circumstance which materially and adversely affected The Committee's ability to remain timely compliant with FEC filing deadlines; b) The Committee acted in good faith to file timely, c) The Committee attempted to obey the instructions of an FEC agent who said to seek telephonic instructions, and d) The Committee took curative action after missing the deadline due to the unforeseen circumstance.

The respondents conclude by noting the Committee makes every attempt to be compliant and has no history of late filings.

Analysis

The Committee contends it was unable to receive assistance from Commission staff during the partial government shutdown, which "materially and adversely affected" its ability to timely file the 2018 Year-End Report. The Reviewing Officer confirms that the Commission was not open for business during the partial government shutdown of December 22, 2018 through January 25, 2019. The 2018 Year-End Report was due on January 31, 2019.

According to the Commission's Electronic Filing Office ("EFO"), the Candidate contacted EFO for technical support on October 17, 2018. As mentioned in the challenge, the call was related to inaccurate cash-on-hand on the 2018 October Quarterly Report. EFO staff explained that, as a new FECFile user, the Committee would need to build its dataset from prior reports in order to correct the cash-on-hand. EFO records indicate that EFO staff explained the process but do not confirm the Committee's contention that staff instructed the Committee to call back when filing the next report. Nevertheless, the Reviewing Officer recognizes the Committee may have needed Commission assistance prior to filing the 2018 Year-End Report.

The Committee also contends that since the Commission was not available to provide assistance during the partial government shutdown, it hired support in an effort to resolve the technical error and file the report. In a conversation with the Reviewing Officer, the Candidate explained that there was a transition period with shifting reporting responsibility back to the campaign's previous Compliance Officer, which caused the additional delay in filing until February 25, 2019.

The Reviewing Officer recognizes that had the partial government shutdown not occurred, the Commission may have been able to provide the necessary assistance for the Committee to timely file the 2018 Year-End Report. Further, the Commission may have been able to provide the assistance directly to the Candidate, potentially preventing the transition of reporting responsibility

back to the Compliance Officer and further delay. Therefore, the Reviewing Officer recommends that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

OAR Recommendations

1. Terminate the proceedings in AF# 3687 that Friends of David Wertime and Richard Wertime, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file; and
2. Send the appropriate letter.

Attachments

- Attachment 1 –
- Attachment 2 –
- Attachment 3 – Declaration from RAD
- Attachment 4 – Declaration from OAR

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Friends of David Wertime:
 - A) Non-Filer Letter, dated February 19, 2019, referencing the 2018 Year-End Report (sent via regular mail to the address of record);
 - B) Reason-to-Believe Letter, dated April 8, 2019, referencing the 2018 Year-End Report (sent via overnight mail to the address of record).
4. I hereby certify that I have searched the Commission's public records and find that Friends of David Wertime filed a 2018 Year-End Report with the Commission on February 25, 2019.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 1st day of July, 2019.

Ben Hall for KDR
Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

February 19, 2019

WERTIME, RICHARD, TREASURER
FRIENDS OF DAVID WERTIME
PO BOX 461
HAVERFORD, PA 19041

IDENTIFICATION NUMBER: C00670992

REFERENCE: YEAR-END REPORT (10/01/2018 - 12/31/2018)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact Aimee Wechsler in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1194.

FRIENDS OF DAVID WERTIME

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Sincerely,

Debbie Chacona

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

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DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee shall file a quarterly report covering the final quarter of the calendar year no later than January 31 of the following calendar year. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on January 31, 2019 for the 2018 Year-End Report to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Cover Page, Summary Page, and Detailed Summary Pages of the 2018 Year-End Report filed by Friends of David Wertme and Richard Wertme, in his official capacity as Treasurer. The report covers October 1, 2018 through December 31, 2018 and was received on February 25, 2019.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 10th day of July, 2019.

Rhiannon Magruder

Rhiannon Magruder

Reviewing Officer

Office of Administrative Review

Federal Election Commission

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

FRIENDS OF DAVID WERTIME

ADDRESS (number and street)

PO BOX 461

Check if different
than previously
reported. (ACC)

HAVERFORD

PA

19041

CITY ▲

STATE ▲

ZIP CODE ▲

2. FEC IDENTIFICATION NUMBER ▼

C00670992

3. IS THIS
REPORTNEW
(N) ORAMENDED
(A)

STATE ▼ DISTRICT

PA

05

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- ☐ April 15 Quarterly Report (Q1)
- ☐ July 15 Quarterly Report (Q2)
- ☐ October 15 Quarterly Report (Q3)
- ☒ January 31 Year-End Report (YE)
- ☐ Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

- ☐ Primary (12P) ☐ General (12G) ☐ Runoff (12R)
- ☐ Convention (12C) ☐ Special (12S)

Election on

MM / DD / YYYY

in the
State of

(c) 30-Day POST-Election Report for the:

- ☐ General (30G) ☐ Runoff (30R) ☐ Special (30S)

Election on

MM / DD / YYYY

in the
State of

5. Covering Period

MM / DD / YYYY
10 / 01 / 2018

through

MM / DD / YYYY
12 / 31 / 2018

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Wertime, Richard, , ,

Type or Print Name of Treasurer

Wertime, Richard, , ,

Signature of Treasurer

[Electronically Filed]

Date

MM / DD / YYYY
02 / 25 / 2019

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. §30109.

Office
Use
Only**FEC FORM 3**
(Revised 05/2016)

SUMMARY PAGE
of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

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Write or Type Committee Name

FRIENDS OF DAVID WERTIME

Report Covering the Period:

From:

M M / D D / Y Y Y Y
10 / 01 / 2018

To:

M M / D D / Y Y Y Y
12 / 31 / 2018

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	0.00	139480.80
(b) Total Contribution Refunds (from Line 20(d))	0.00	17900.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	0.00	121580.80
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	238.22	86653.70
(b) Total Offsets to Operating Expenditures (from Line 14)	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	238.22	86653.70
8. Cash on Hand at Close of Reporting Period (from Line 27)	31677.10	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	

For further information contact:Federal Election Commission
999 E Street, NW
Washington, DC 20463Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE
of Receipts

FEC Form 3 (Revised 05/2016)

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Write or Type Committee Name

FRIENDS OF DAVID WERTIME

Report Covering the Period:

From:

M M / D D / Y Y Y Y
10 / 01 / 2018

To:

M M / D D / Y Y Y Y
12 / 31 / 2018

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	0.00	139030.80
(ii) Unitemized.....	0.00	450.00
(iii) TOTAL of contributions from individuals ▶	0.00	139480.80
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) The Candidate.....	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	0.00	139480.80
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate.....	0.00	0.00
(b) All Other Loans.....	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b)).....	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.).....	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)..... ▶	0.00	139480.80

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 05/2016)

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II. DISBURSEMENTS**COLUMN A**
Total This Period**COLUMN B**
Election Cycle-to-Date

17. OPERATING EXPENDITURES.....	238.22	86653.70
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	17900.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	17900.00
21. OTHER DISBURSEMENTS	2250.00	3250.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	2488.22	107803.70

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	34165.32
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	0.00
25. SUBTOTAL (add Line 23 and Line 24).....	34165.32
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	2488.22
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	31677.10



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 11, 2019

Richard Wertime, in official capacity as Treasurer
Friends of David Wertime
PO Box 461
Haverford, PA 109041

C00670992
AF#: 3687

Dear Mr. Wertime:

On April 5, 2019, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Friends of David Wertime and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Year-End Report. The Commission also made a preliminary determination that the civil money penalty was \$185 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 1050 First Street, NE, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder
Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2019 JUL 24 AM 9:02

SENSITIVE

July 24, 2019

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP by JAH*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3687 – Friends of David Wertime and Richard Wertime, in his official capacity as Treasurer (C00670992)

On April 5, 2019, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Year-End Report and made a preliminary determination that the civil money penalty was \$185 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 15, 2019, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated July 10, 2019, was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). To date, a response has not been received.

OAR Recommendations

1. Terminate the proceedings in AF# 3687 that Friends of David Wertime and Richard Wertime, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file; and
2. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3687
Final Determination Recommendation:)
Friends of David Wertime and Richard)
Wertime, in his official capacity as)
Treasurer (C00670992))

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on August 05, 2019, the Commission decided by a vote of 4-0 to take the following actions in AF 3687:

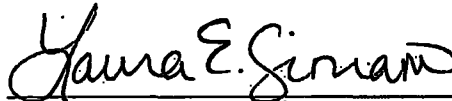
1. Terminate the proceedings in AF# 3687 that Friends of David Wertime and Richard Wertime, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file.
2. Send the appropriate letter.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

8/6/19

Date



Laura E. Sinram
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 2019

Richard Wertime, in official capacity as Treasurer
Friends of David Wertime
PO Box 461
Haverford, PA 109041

C00670992
AF#: 3687

Dear Mr. Wertime:

On April 5, 2019, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Friends of David Wertime and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2018 Year-End Report. By letter dated April 8, 2019, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$185 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 15, 2019, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file. The Reviewing Officer Recommendation was sent to you on July 11, 2019.

On August 5, 2019, the Commission adopted the Reviewing Officer's recommendation, and voted to terminate the proceedings with respect to 52 U.S.C. § 30104(a) and close the file. A copy of the Final Determination Recommendation is attached.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

